

Order Directing P to locate Ds

1 rely on service by the Marshal, such plaintiff “may not remain silent and do nothing to
2 effectuate such service”; rather, “[a]t a minimum, a plaintiff should request service upon
3 the appropriate defendant and attempt to remedy any apparent defects of which [he] has
4 knowledge.” Rochon v. Dawson, 828 F.2d 1107, 1110 (5th Cir. 1987). Here, Plaintiff’s
5 complaint has been pending for over 120 days, and thus, absent a showing of “good
6 cause,” is subject to dismissal without prejudice. See Fed. R. Civ. P. 4(m). Plaintiff has
7 not provided sufficient information to allow the Marshal to locate and serve Defendants
8 Chudy and Musgrove, and consequently Plaintiff must remedy the situation or face
9 dismissal of his claims against these defendants without prejudice. See Walker v.
10 Sumner, 14 F.3d at 1421-22 (holding prisoner failed to show cause why prison official
11 should not be dismissed under Rule 4(m) where prisoner failed to show he had provided
12 Marshal with sufficient information to effectuate service).

13 Accordingly, Plaintiff must provide the Court with these Defendants’ accurate
14 current location such that the Marshal is able to effect service. If Plaintiff fails to provide
15 the Court with an accurate current location for them within **thirty (30) days** of the date
16 this order is filed, Plaintiff’s claims against Chudy and Musgrove will be dismissed
17 without prejudice pursuant to Rule 4(m) of the Federal Rules of Civil Procedure.

18 IT IS SO ORDERED.

19 DATED: 4/1/11

20 
21 JEREMY FOGEL
22 United States District Judge
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

PRINCE D. SHOTWELL, JR.,
Plaintiff,

Case Number: CV10-01274 JF

CERTIFICATE OF SERVICE

v.

C. NOLLS, et al.,
Defendants.

_____/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 4/22/11, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Prince Deon Shotwell H-05927
CA State Prison
P.O. BOX 5248
A2 B 245L
Corcoran, CA 93212

Dated: 4/22/11

Richard W. Wieking, Clerk